

Application No.: 10/022561

Case No.: 56540US006

Remarks

Favorable reconsideration of this application in the light of the amendments and the following discussion is respectfully requested. Claim 10 has been amended to more clearly define the invention. New claims 22-25 are added to the application, support for which can be found in the original claims and on pages 5 and 6 of the specification. No new matter is added with the new claims. Claims 1-9, 16, 18, and 20-21 have been canceled. Claims 10-15, 17, 19 and 22-25 are pending in this application for consideration.

Interview Summary

Applicants thank Examiner Patrick Niland for the courtesies extended to the undersigned attorney during a personal interview on October 10, 2003. In the interview, applicants' representative indicated that applicants would cancel the product claims in order to prosecute the process claims in the present application.

The 102(b) rejections were discussed during the interview, with attention focused on U.S. Patent No. 4,369,266 issued to Kuhls ("Kuhls") and EP Patent 0721974 issued to Araki ("Araki"). Applicants asserted that Kuhls fails to teach, suggest, or disclose the contacting of a stabilized dispersion with an anion exchange resin. Applicants pointed out that the reference, in column 7 lines 56-64, teaches that only the aqueous permeate issuing from the ultrafiltration step is subjected to the anion exchange resin. The contacting of only the permeate and not the entire dispersion with an anion exchange resin is further suggested by figures 2, 3 and 4 of Kuhls. During the discussion, the Examiner agreed with Applicants' interpretation of Kuhls and indicated that it appeared that Kuhls was not an appropriate 102(b) reference. However, Applicants now wish to point out that in the Examiner's summary of the interview, the Examiner incorrectly indicated that only the filtrate is passed over the anion exchange resin. Applicants believe this to be an oversight during the drafting of the interview summary and not a misinterpretation on behalf of the Examiner.

With respect to Araki, Applicants indicated that Araki fails to teach, suggest or disclose a process in which a dispersion is subjected to an anion exchange resin. The Examiner indicated

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that, subject to further verification, applicant's comments and suggested differences appear to overcome the rejections of record.

Rejection Under the Doctrine of Obviousness-type Double Patenting

Claims 1-21 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 09/857081. The Examiner indicated that although the conflicting claims are not identical, they are not patentably distinct from each other because, although the claims differ somewhat in scope, they overlap to the extent that it would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the copending claim limitations in the instantly claimed method. The Examiner also indicated that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Applicants' response to the Rejection Under the Doctrine of Obviousness-type Double Patenting

Applicants have canceled all claims in the application embodying either products or articles. Applicants only intend to prosecute process claims as amended and currently presented in this application. Additionally, applicants are willing to file a terminal disclaimer should the Examiner continue to assert the rejection upon allowance of both applications.

Rejection Under 35 U.S.C § 102

Claims 1, 3-6, 9, 16, and 18 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 0 721 974 Araki et al. The Examiner indicated that the small amount required of fluorinated surfactant falls within the scope of "essentially free".

Applicants' Response to the Rejection Under 35 U.S.C § 102

Applicants request withdrawal of the rejection on the basis that the rejected claims have been canceled. However, applicants aver that the process embodied in the present claims of record is patentable in view of Araki. Araki fails to teach, suggest or disclose a process in which a dispersion is contacted with an anion exchange resin. Withdrawal of the rejection is respectfully requested.

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Rejection Under 35 U.S.C. 102(b)

Claims 1-21 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,369,266 Kuhls et al.

According to the Examiner, Kuhls et al. discloses the instantly claimed invention. The limitations of the anion exchange resin of the instant claims 10 and 14-15 would be inherent for the exchange resin to exchange the anions of the patentee as effectively as the patentee requires.

Applicants' Response to the Rejection Under 35 U.S.C § 102

Applicants aver that the present claims of record are patentable over U.S. Patent No. 4,369,266 Kuhls et al ("Kuhls"). Kuhls teaches that aqueous colloidal dispersion of fluorinated polymers can be concentrated, with the assistance of a nonionic emulsifier, to high solids content by ultrafiltration. The reference, in column 7 lines 56-64, teaches that only the aqueous permeate issuing from the ultrafiltration step is subjected to the anion exchange resin. The contacting of only the permeate with the anion exchange resin and not the entire dispersion is further suggested by figures 2, 3 and 4 of Kuhls.

Applicants submit that the present invention is directed to a process for removing fluorine-containing emulsifier from an aqueous fluoropolymer dispersion. The process includes adding a nonionic emulsifier to stabilize the dispersion. The dispersion is then contacted with an anionic exchange resin. The dispersion, upon separation from the anion exchange resin, is essentially free of fluorine-containing emulsifier. Since Kuhls suggests the contacting of only the permeate of the ultrafiltration step with an anion exchange resin and not the dispersion, such reference would not anticipate the claims of the present invention. Withdrawal of the rejection is respectfully requested.

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Conclusion

In view of the foregoing remarks, favorable reconsideration of the present application and the passing of this case to issue with all claims allowed is courteously solicited. Should the Examiner wish to discuss any aspect of this application, applicants' attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,

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Date

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